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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

I. INTRODUCTION

1. The present report is submitted to the Security Council in compliance with resolution 961 (1994) of 23 November 1994, by which the Council, having decided to extend the mandate of the United Nations Observer Mission in El Salvador (ONUSAL) for one final period until 30 April 1995, requested me to present a report by 31 March on the fulfilment and completion of ONUSAL's mandate and on modalities for its withdrawal, to be completed by 30 April 1995.

2. In the same resolution, the Security Council reaffirmed the commitment undertaken by the United Nations to verify the full implementation of the peace accords; welcomed my intention to consider ways for the United Nations to discharge its remaining verification duties; and invited me "to prepare modalities for further assistance to El Salvador, within the framework of the peace accords, for the period after 30 April 1995".

3. As the members of the Security Council will recall, I last reported on ONUSAL on 31 October 1994 (S/1994/1212 and Add.1). On the basis of the Council's request in resolution 961 (1994) that I should keep it informed on a regular basis of the status of implementation of outstanding commitments and ONUSAL operations, I have since, in letters dated 16 December 1994, 31 January 1995 and 7 March 1995, informed the Council about the state of the parties' compliance with their commitments under the "Timetable for the implementation of the most important outstanding agreements" of 19 May 1994 (S/1994/612, annex). In a letter dated 6 February 1995 (S/1995/143), I also informed the Council about the arrangement that I propose to put in place in El Salvador, following the withdrawal of ONUSAL, to maintain the capacity of the United Nations to verify compliance with those parts of the peace accords whose implementation is still pending, in accordance with the commitment undertaken by the United Nations, as reaffirmed by the Council. On 17 February, the Security Council welcomed my proposal in this regard (see S/1995/144).

4. The present report, which describes the activities of ONUSAL during the period from 1 November 1994 to 20 March 1995, assesses the state of implementation of various aspects of the peace accords as ONUSAL's role in

El Salvador comes to an end. In addition to its introduction and my concluding observations, the report includes seven sections, devoted respectively to military aspects; public security aspects; human rights, the judicial system and the Commission on the Truth; electoral matters; economic and social issues; financial aspects; and administrative aspects.

II. MILITARY ASPECTS

5. From the start of its present mandate on 1 December 1994, ONUSAL has had a strength of 3 military observers, from Brazil, Spain and Venezuela, down from 21 at the beginning of the previous mandate. While military observers have participated in the Mission from the outset, their numbers have diminished steadily as the focus of their work has shifted from purely military-related matters to institutional reform and the reintegration of former combatants. A table showing the contributions in military personnel made by Member States since the beginning of ONUSAL in 1991 is annexed to the present report (see annex I).

6. After the signature of the Chapultepec agreements (S/23501, annex), there was a significant operational aspect of verification relating to the cessation of the armed conflict: the dismantling of the military structure of the Frente Farabundo Martí para la Liberación Nacional (FMLN), in exchange for the initiation of agreed reforms by the Government; and the dissolution of certain combat units within the Armed Forces. Despite some delays, caused mainly by the parties' reluctance to comply with certain obligations and by mutual mistrust, the successful conclusion of the cessation of the armed conflict underlined their commitment to peace.

7. A number of issues remained unresolved, however, which would resurface in 1993 and be overcome later in the process, with the help of ONUSAL. Resistance from within the Armed Forces considerably delayed the discharge of more than 100 high-ranking military officers, as recommended by the ad hoc commission set up in accordance with the agreements to evaluate their performance. The stronger reaction to the recommendations of the Commission on the Truth showed that the Armed Forces and other groups still held considerable power.

8. Also grave was the discovery that, in violation of its obligations under the agreements, FMLN had kept large quantities of weapons in hidden deposits in El Salvador and certain neighbouring countries. By calling into question the status of FMLN as a legal political party and raising issues of credibility, this development deflected attention from pending commitments and forestalled their timely implementation. For several months, ONUSAL military observers, with the information provided to them by FMLN, were actively engaged in the process of locating and destroying the illegal weapons caches.

9. Despite these set-backs, progress was made on the reduction and transformation of the Armed Forces and the readjustment of their mission in accordance with the peace accords. Their subordination to civilian rule, the concentration of their role on national defence rather than on internal security and the removal of internal intelligence functions from their mandate were firmly established through constitutional reforms. Civil defence and other

paramilitary bodies were dismantled, forcible recruitment was prohibited and a military and reserve service law was adopted.

10. While these institutional reforms were undertaken by the Government, resistance to change persisted. Thus, notwithstanding the dissolution of the military intelligence apparatus, the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups, set up in December 1993, found that active members of the Armed Forces were in all likelihood still involved in internal intelligence activities. Although ONUSAL has found no evidence that this is an institutional policy, the possible use of this information-gathering capacity for political or common crimes is a matter for serious concern. A strengthening of the State Intelligence Agency, established under the direct authority of the President pursuant to the peace accords, would help to ensure that this important State function is kept within the civilian realm.

11. In order to ascertain the scope of the reduction of the Armed Forces, ONUSAL has requested more detailed information on their budget, their premises and facilities and the strength of their officer corps. Although the most important legislative measures deriving from the peace accords are in effect, some complementary measures are still required.

12. During this last mandate, ONUSAL's remaining military observers have closely monitored the adoption and implementation of legislative and administrative measures taken to collect military weapons in the hands of civilians or State institutions. While a limited number of registered arms are still to be collected, the main problem lies with the unknown but large number of weapons of which there is no record. The Government has reported the seizing of approximately 2,000 such weapons since the beginning of 1995, but voluntary surrender has thus far been negligible. This is a matter for concern which should be addressed promptly. Buy-back programmes such as those used in Nicaragua and Haiti might be considered.

III. PUBLIC SECURITY ASPECTS

13. Since 1 December 1994, ONUSAL has had a strength of 32 police observers, from Brazil, Colombia, Chile, Guyana, Italy, Mexico and Spain. The corresponding strength on 1 June 1994 was 201. Despite this reduction, the Police Division has continued to verify the performance and demobilization of the National Police and the training, deployment and operations of the National Civil Police. In addition, police observers support human rights observers and political affairs officers in various accords-related duties. A table showing the contributions in police personnel made by Member States since the outset of ONUSAL in 1991 is annexed to the present report (see annex II).

14. The creation of a new civilian police, separate from the Armed Forces, is one of the basic elements of the peace accords and probably one of their most ambitious goals. The security bodies formerly in existence - the National Police, the National Guard and the Customs Police - were part of the Armed Forces, subordinate to the Ministry of Defence, and received military training. During the armed conflict, these bodies served as an instrument for the exercise of military control over the population.

15. In the two years since its initial deployment, the National Civil Police has expanded steadily and has now taken over practically all security functions from the former security forces. It has a current strength of slightly more than 7,000 agents and approximately 220 middle and high-level officers, all of whom are graduates of the newly established National Public Security Academy, and are deployed throughout the country. It operates from the former National Police headquarters and has stations in all departments. It has a proper budgetary allocation which, with assistance from donor countries (mainly the United States of America and Spain), has ensured the provision of vehicles, weapons and communication equipment. This remarkable achievement notwithstanding, much remains to be done for the National Civil Police to become the effective, professional and fully reliable force envisaged in the peace accords.

16. The transition to a new civilian police has taken longer and been more difficult than originally conceived. The Government failed to anticipate the need for early measures, even before the peace accords were signed, to prepare for the transition. In addition to the magnitude of the task, resistance from certain sectors within the Armed Forces, from which the National Civil Police was to take over public security functions, adversely affected the training, organization and deployment of the new police force. Lack of cooperation and efforts to exert control over the National Civil Police were evident in several areas.

17. The failure to transfer the premises, equipment and other material resources of the former security bodies also contributed to the initial delay in the opening of the National Public Security Academy and explains why the first National Civil Police graduates were poorly equipped and lacked the means to carry out their duties effectively. Another source of problems was the reluctance to dismantle the old military command structures and efforts to transfer them to the National Civil Police, which would have severely distorted the original intention for the National Civil Police.

18. These problems with the former security bodies were further complicated when, following a direct agreement between the Government and FMLN, the former anti-narcotics and criminal investigations units were transferred en bloc to the National Civil Police and a military officer was placed in charge of its operational command until he resigned in April 1994. In accordance with ONUSAL's recommendations, 71 members of these units have been discharged since my October 1994 report, and measures have been taken to ensure that the units are properly subordinated to the command structure of the National Civil Police. Additionally, more than 200 anti-narcotics agents have voluntarily left the National Civil Police and received indemnities and over 100 members of the criminal investigations unit will follow soon. The staggered admission of the remaining members of both units to regular National Public Security Academy courses is scheduled to begin in April 1995.

19. The long-delayed demobilization of the National Police was formally and finally effected on 31 December 1994. The importance of this development should not be underestimated. As already reported to the Security Council, reluctance to dismantle this force and to provide information on its real strength had

given rise to apprehensions that there was an intention to maintain it. Demobilization started belatedly and gained speed only after June 1994.

20. After several delays, the dissolution of the Customs Police, which has a strength of approximately 1,000 members, started in mid-March and is expected to be completed by the end of the current month. ONUSAL has insisted that the reabsorption of these agents by the Ministry of Finance should be accompanied by the transfer of all their police functions to the National Civil Police Finance Division.

21. A joint committee, with ONUSAL's participation, has evaluated the remaining elements of the former National Police prior to their possible admission to basic-level courses at the National Public Security Academy, as had been agreed upon in the Timetable for the implementation of the most important outstanding agreements (S/1994/612, annex). As with members of the anti-narcotics and criminal investigations units, a large number of potential candidates have relinquished their right to apply to the Academy and are being paid indemnities. As a consequence, only some 100 have applied for admission to the Academy, which will be permitted only in full compliance with ONUSAL's recommendations.

22. The discharge of non-qualified members of the old security units and the dissolution of the Customs Police did not come without strong resistance. Protesters from the units concerned broke the law by carrying out serious acts of insubordination, going on strike and taking over their premises by force. Such behaviour tested the capacity of the still fragile National Civil Police to combat illegal acts. Although the anti-riot capacity of the National Civil Police has improved lately, it has been unable on various occasions to restrain disorderly conduct by violent demonstrators.

23. While the target of 5,700 National Public Security Academy graduates indicated in the peace accords as the minimum necessary to assume all police functions at the national level was achieved in September 1994, that strength has appeared at times to be insufficient in the face of the crime wave which has afflicted post-war El Salvador. In these circumstances, resort to the army for public security functions became easier. In November 1994, three deaths occurred when soldiers were called in to support the National Civil Police during a protest by bus owners. Further violence in recent weeks has led to a decision to use military patrols to deter crime in rural areas. This decision was not in compliance with the constitutional procedures established pursuant to the peace accords, according to which the Armed Forces may be used for public security purposes only if the National Civil Police has been found incapable of addressing a specific crisis, and the President may issue such an order only if it is accompanied by a notification to the Legislative Assembly. Although the patrols, which began operating on 14 March, are commanded and escorted by National Civil Police, this is a serious development which entails undeniable risks. The November incident illustrated the inadequacy of the Armed Forces, under normal circumstances, to perform public security functions. Further, it is necessary that a law be approved to specify the exceptional circumstances under which the Armed Forces can be used for public security and the limits of such use.

24. As provided for by law and recommended by ONUSAL, the National Public Security Academy has, for the first time since its inauguration, evaluated the performance of National Civil Police graduates. While their knowledge of all subjects was rated satisfactory in some 67 per cent of the cases examined, only 54 per cent reached that level on the key subjects of judicial procedures and use of firearms. This confirmed ONUSAL's earlier findings regarding the need to reinforce the relevant courses at the Academy.

25. Several other matters require attention. A campaign to promote civilian admissions into the Academy appears to have yielded only moderate results and is being reviewed by ONUSAL. The Government has requested that, as an exception to a provision in the 19 May 1994 Timetable, five former National Police officers be accepted as Academy candidates. FMLN has not agreed to this. The criteria and procedures for admission to the Academy should thus be reviewed and strengthened to improve the selection of candidates. The Academic Council's decision to intensify basic-level courses and to extend their duration from six to eight months should be put into effect. Of particular importance is the acceleration of training of specialized agents and officers, especially in the areas of criminal investigations, transit, public security and finance. Criminal investigations deserve special attention since professional quality, coupled with effective coordination with the Attorney-General's office and the judiciary, is the key element to combat crime and eradicate impunity.

26. The regulatory machinery of the National Civil Police also requires strengthening. While the Inspector-General has been appointed under the Vice-Ministry for Public Security and assigned material resources, a lack of clarity regarding his monitoring functions has made his performance ineffective. This is largely true also of the control and disciplinary investigations units. After a long delay, the latter has made progress on cases involving grave human rights violations by National Civil Police members and has been submitting its findings to the disciplinary tribunal for decision.

27. Legal voids still affect the functioning of the National Civil Police, mainly with regard to the approval of regulations for its Organic Law and the Police Career Law. These voids should be filled promptly. Given past experience of arbitrariness in the assignment of ranks, it is particularly important that a legal framework be provided for promotions within the force. Central planning, as part of a cohesive national public security policy, should also be established and a system should be devised which would not require police to live in barracks.

28. While well advanced, therefore, the transition to the full establishment of the National Civil Police as the sole institution performing police functions is still not complete.

IV. HUMAN RIGHTS, THE JUDICIAL SYSTEM AND THE COMMISSION ON THE TRUTH

29. Violations of fundamental human rights have declined markedly since ONUSAL began operations in 1991. Politically motivated killings have become rare and complaints of arbitrary detention have sharply diminished, while "disappearances" have stopped altogether. To consolidate this progress, however, the national institutions created or reformed by the peace accords and charged with protecting human rights, including the judiciary, the National Civil Police and the National Counsel for the Defence of Human Rights (Procuraduría), must still be substantially strengthened. Basic reforms in that regard, called for by the Commission on the Truth, are still pending.

30. After considerable delay, a new Supreme Court made up of eminent professionals was set up in 1994. Since taking office, the new Court has dismissed or suspended 11 judges for professional misconduct; reduced the number of detainees awaiting trial, who were estimated by ONUSAL in July 1994 to constitute 80 per cent of the prison population; and named a new Director of the Institute of Forensic Medicine, previously considered a partisan body. In its first major decision, the Court's Constitutional Chamber invoked international treaties ratified by El Salvador to declare that pre-trial detention should be the exception, rather than the virtual norm that it had become.

31. Reforms crucial to ensure that the Supreme Court's decisions are effectively implemented include: the adoption of the new criminal code and criminal procedures code; the decentralization of functions now carried out by the Supreme Court, which will allow the National Council of the Judiciary (Consejo Nacional de la Judicatura) to name and remove judges; the reform of the Career Judicial Service Act; the elimination of extrajudicial confessions; the facilitation of habeas corpus proceedings; and the abrogation of the 1886 Police Act.

32. To overcome the inadequate training of many of the current judges, it is essential to continue strengthening the Judicial Training School (Escuela de Capacitación Judicial), conceived in the peace accords as a necessary step for candidates for the judiciary. The recent appointment of a distinguished jurist to head the school is an encouraging beginning.

33. After a slow start, partly due to lack of funding, the National Counsel for the Defence of Human Rights, which was created in 1992 under the peace accords, has in the past year taken a more active role. With offices now established in each of El Salvador's 14 departments, it receives far more complaints than ONUSAL ever did, issues over 20 resolutions per month and has challenged official abuses more assertively. However, most officials still feel free to ignore the Counsel's non-binding recommendations and these are not always prepared with the necessary speed and precision. The office has also yet to take real advantage of its power to seek judicial remedies.

34. A key pillar of any democracy is a robust civil society including non-governmental human rights organizations. During the armed conflict, non-governmental organizations courageously called attention to abuses. As the worst violations have been reduced, these organizations have had to face a new

situation, to which some have adapted better than others. They now have to take advantage of the new political space to monitor the performance of State institutions and to promote respect for the rule of law.

35. Because abuses were still rampant, the initial emphasis of ONUSAL's Human Rights Division was on the monitoring of violations. As the situation improved, it was able to devote increasing resources to the strengthening of national institutions, including seminars and specialized workshops on human rights for the National Civil Police, the judiciary, the National Counsel for the Defence of Human Rights, the Armed Forces and non-governmental organizations. Since November 1994, a substantial part of the Division's staff has worked virtually full-time with that of the National Counsel for the Defence of Human Rights, analysing cases and jointly verifying complaints.

36. Institution-building continues to be crucial for the consolidation of the progress achieved in the protection of human rights. This is particularly important to overcome impunity, the greatest threat to human rights in El Salvador. A June 1994 study by the Division of Human Rights showed that in respect of the 75 most serious complaints presented to ONUSAL relating to homicides, attempted homicides and death threats over a two-year period, not one person had been convicted or sentenced (see S/1994/886, paras. 59-68). With this weakness in police investigations and judicial procedures, popular mistrust of or scepticism about these institutions have continued.

37. The assassination of several FMLN leaders also remains unresolved. The Joint Group for the Investigation of Politically Motivated Illegal Armed Groups made a number of important recommendations whose implementation could reduce impunity for both political and organized crime. These include the creation of special tribunals to hear such cases, as well as legislation authorizing the reduction of sentences in exchange for information leading to their resolution. The Joint Group's proposal that a special unit be created within the National Civil Police to investigate cases of political and organized crime has been implemented, but that unit has remained virtually inactive as it has only recently been provided with office space within the National Civil Police.

38. ONUSAL and the United Nations Development Programme (UNDP) have, in cooperation, elaborated programmes to strengthen the Judicial Training School, establish a penitentiary-staff training school, examine the prison system, train prosecutors in investigation techniques, provide human rights courses to public defenders and justices of the peace, and improve the capacities of human rights non-governmental organizations.

39. The recommendations of the Commission on the Truth are binding upon the parties under the peace accords. Of particular importance, especially in the light of ONUSAL's withdrawal, are those steps which would enable Salvadorians whose rights have been violated to have access to the international protection system if domestic remedies fail. These include ratification of the Optional Protocol to the International Covenant on Civil and Political Rights, which recognizes the competence of the Human Rights Committee set up under the Covenant to receive and consider complaints from individuals who have exhausted available domestic remedies; withdrawal of reservations to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or

Punishment regarding the authority of the Committee against Torture to investigate systematic violations, as well as acceptance of the Committee's authority to hear individual complaints; and recognition of the compulsory jurisdiction of the Inter-American Court of Human Rights.

V. ELECTORAL MATTERS

40. As the Security Council is aware, ONUSAL devoted considerable attention to the monitoring and observation of the presidential, legislative and municipal elections of 20 March 1994 and to the second round of presidential elections on 24 April. The Mission's Electoral Division, established in September 1993, verified and supported the voter registration process and observed the electoral campaign and the elections (see S/26606, S/1994/179, S/1994/304, S/1994/375 and S/1994/486).

41. In May 1994, after the elections, I reported to the Security Council (see S/1994/536, para. 17) that there was an evident need for a thorough reform of the electoral system, which should address the following aspects: introduction of a single identity document; provision for voting in the area of residence of the voter; standardization of the formula for representation in the Assembly and municipalities; and depoliticization of the Supreme Electoral Tribunal.

42. In January of this year, a presidentially appointed commission of members from various parties recommended issuance of a single identity document by an autonomous entity outside the Supreme Electoral Tribunal and implementation of residential voting. In February, a United Nations technical assistance mission made a series of related recommendations. Commendable interest has been expressed in these matters by the Government and political parties. But, given the need for legislative changes and the scope of this task, issuance of a new document may not be completed in time for the 1997 legislative and municipal elections. Modification of the "first-past-the-post" system for municipal councils has yet to be addressed by the presidential commission and the political parties, but the expectation is that it will be included, together with the identity document and residential voting, in any package of reforms that may be considered by the Legislative Assembly in the coming months.

43. Unfortunately, as stated on previous occasions (see S/1994/1212, para. 13), politicization continues to undermine the performance and credibility of the Supreme Electoral Tribunal. The implementation of the 1991 constitutional reforms has not led to the effective functioning of this institution. This is illustrated by the fact that, with the next elections still at a distance, magistrates are already deadlocked over routine questions of personnel. I appeal to the Government and political parties to summon the political will to address this issue and thereby contribute to the efficient and professional administration of future elections and the increased public confidence this would bring.

VI. ECONOMIC AND SOCIAL ISSUES

A. Land-transfer programme

44. Since my last report to the Security Council, 5,420 beneficiaries have received title to land. The total of beneficiaries to date is 18,362, representing only 45 per cent of the 40,648 former members of the Armed Forces and of FMLN, as well as landholders in former zones of conflict, who are the "universe" of potential beneficiaries agreed in August 1994 (see S/1994/1000, para. 28). The programme for former members of the Armed Forces remains even more seriously delayed than that for FMLN. The land programme thus continues to be cause for serious concern. With the decentralization process established in the third acceleration plan (see S/1994/1000, para. 30) and the change in the presidency of the Lands Bank, the land programme had shown marked progress from the end of October to the end of December 1994, increasing the number of beneficiaries by 4,251 (about 70 per day). However, the programme came to a complete halt in mid-January 1995. Although it has now resumed, it has been significantly slower in the first two months of this year than in the last two of 1994. This is worrisome given the Government's assurances that it would greatly accelerate during this period. Only 1,169 beneficiaries (20 per day) have received land so far this year.

45. Several factors contributed to the acceleration of the programme in November-December 1994: (a) the adoption of a decree to facilitate the procedure for legalization and titling of land; (b) more firms working in land measurement; (c) the positive attitude of the new presidency of the Lands Bank; (d) new administrative measures; (e) decentralization of the process to the regions; and (f) recruitment of 108 members of FMLN to help in contacting owners and assisting potential beneficiaries to comply with programme requirements. It was unfortunate that the programme became paralysed again in January 1995, partly because of the holidays but more importantly because of further administrative changes in the Lands Bank, which included the replacement of 30 key employees deeply involved in the process.

46. A second reason for the paralysis was the involvement of the Institute for Liberty and Progress as part of the fourth acceleration plan adopted in November 1994. Although endowed with more sophisticated capacity and resources than others, the Institute has found it difficult at this late stage to adapt quickly to the needs of the land programme, especially as most of its previous experience related to titling of housing in urban areas in which there was a fairly reliable registry and census of properties and relatively easy access. In addition, rural properties give rise to problems relating to (a) measurement; (b) finding original owners; and (c) finding witnesses to certify ownership. The involvement of the Institute has also led to serious coordination problems with the Lands Bank and the Coordinating Office for Agricultural Issues, which was playing a critical role at the regional level. Furthermore, high expectations raised by the inclusion of the Institute in the effort to accelerate titling have so far gone largely unfulfilled, with concomitant resentment and impatience on the part of potential beneficiaries. Although the original idea was that the Lands Bank would subcontract to the Institute in order to facilitate the titling and the binding by deed of land in cases where

problems existed, the Institute has now assumed executive functions over much of the programme.

47. Despite earlier assertions by government officials that the land programme would be completed by 30 April, this is now recognized to be impossible. Indeed, it is hard to imagine that the programme will be completed before the end of 1995. It is therefore imperative that the decree protecting landholders from eviction be extended accordingly and as soon as possible to minimize the insecurity and anxiety of landholders (see S/1994/561, para. 74), and that the issuance of land certificates be expedited. The 55 per cent of potential beneficiaries who have not yet received land are problematic cases with one or more of the following characteristics: (a) minifundio land tenure (problem of dealing with a large number of landowners; difficulty of titling a large number of properties rather than a few); (b) legal problems (lack of land title, inheritance problems of owners); and (c) need to relocate to other available and acceptable properties landholders currently on properties whose owners do not want to sell.

48. The Government has reinstated key personnel at the regional level and has addressed some of the coordination problems discussed above. Much more, however, needs to be done in this regard.

49. Another problem has been that payments to landowners are often unnecessarily delayed. This is discouraging others from selling, thereby contributing to the need to relocate landholders. In cases where there are legal difficulties in completing the process, payment could be made into an escrow account, which would facilitate the transfer. The Government has proposed such a measure and should make every effort to ensure that it is acted upon without delay.

50. Another matter of great concern is the situation of human settlements. As I have been informing the Security Council since November 1993 (see S/26790, para. 55; S/1994/561, paras. 76 and 87; S/1994/1000, paras. 28 and 31; and S/1994/1212, para. 17), the political and social consequences of breaking up these communities cannot be underestimated. I regret to have to report that hardly any progress has been made in finding a solution to this potentially explosive problem, which has led to repeated incidents between landowners who want to recover their land and the landholders occupying it.

51. An agreement had already been reached with regard to urban human settlements. This has not been implemented, however, because of differences regarding potential beneficiaries. FMLN requests housing grants for all persons included in the 1993 National Commission for the Consolidation of Peace (COPAZ) census of urban settlements. The Government insists that those within the land programme (about 750 of the 1,370 in the COPAZ census) should not be entitled to the housing grant, which amounts to $1,380. FMLN argues that all those in human settlements should receive this amount since they are not likely to leave the community because of the infrastructure and services they would lose.

52. Furthermore, some of these communities want to be represented on their own and not by FMLN (some having been represented by the Expresión Renovadora del

Pueblo (ERP), and others being disillusioned by the FMLN leadership because of its inability to find a solution to the problem).

53. It is imperative that a solution to bridge the gap between FMLN's demands and what the Government is offering be found quickly and in any case before ONUSAL leaves El Salvador. The small team that will remain for verification purposes will not be as well equipped as ONUSAL to play a facilitating role in finding a solution to this issue. Transfer of these settlements will not be possible through the complex procedures of the land programme. If both parties exercise maximum flexibility, the best strategy would be to transfer quickly as many as possible of the properties whose owners want to sell and to leave to the end those whose owners cannot be found, have legal problems, ask an unreasonable price or do not want to sell. At that time, a scheme of expropriation with compensation, as contemplated in the Constitution, may have to be considered in some cases where the property involved is communal in nature.

54. As reflected above, the issue of financing is not the most critical to full implementation of the agreements, although it remains important. The Government's recent agreement with the association of former members of the Armed Forces (ADEFAES) to facilitate benefits to 5,000 members of that organization raises disturbing questions given the scarcity of funds and land available for reintegration programmes and the need to discourage the impression that benefits can be obtained by resorting to force. This makes it all the more necessary to ensure early delivery on delayed programmes for potential beneficiaries who have legitimate expectations under the peace accords.

B. Other reintegration programmes

55. Although progress can be reported in a number of reintegration programmes and a few have been completed, it remains necessary to accelerate the outstanding ones and to correct existing deficiencies.

56. Contrary to earlier reports, the transfer of $13 million to the Agricultural Credit Bank to finance agricultural programmes has not yet taken place. Only $4.5 million have been transferred as a first instalment. It is essential to overcome the delays in expanding the Bank's administrative capacity to forestall the risk of falling behind the allocation of credits. Those who have received title to land, and undertaken the debt burden this implies, must receive credit in time to plant, produce and service their debts. Since many are afraid of becoming further indebted, adequate technical assistance needs to be provided so that they utilize the credit productively.

57. The Government therefore needs to take immediate action to remedy the delays that have occurred. Disbursement of credit must begin without delay if producers are to take advantage of the planting season starting in April-May. Most FMLN former combatants, but only 40 per cent of those from the Armed Forces, have already received credit. Inadequacy of technical assistance adds to the problem and many landholders are reluctant to become further indebted. As a result, only 2,500 landholders of a total of potential beneficiaries of over 22,000 have so far had access to credit.

58. Most micro-enterprise credit has already been disbursed, but it has been estimated that only 26 per cent of FMLN recipients and 51 per cent of former members of the Armed Forces have invested the credit productively. It has also been estimated that only 16 per cent of FMLN recipients and 30 per cent of former members of the Armed Forces are making timely payments on the interest due. The "Plan 600" for medium-level FMLN former commanders, who received more training, orientation and technical assistance, has shown better results in terms of investment and repayment. While the housing programme for the 600 former commanders belonging to this group is scheduled to start at the end of the current month, no progress has been made in the case of former members of the Armed Forces.

59. The Fund for the Protection of the Wounded and War-Disabled as a Consequence of the Armed Conflict (see S/26790, para. 70) also remains problematic, having experienced more delays than almost any other. The Fund faces pressing demands and a manifest lack of resources and administrative capacity. Although it has recently received some support from the Government, it is still not in a position to discharge its functions effectively. First payments were made in the form of pensions to the most severely disabled. The gap between the position of the war-disabled and that of the Government continues to widen. The organization of disabled former FMLN combatants no longer accepts to be represented by that party. Reintegration of almost 12,000 war-disabled and assistance to approximately 18,000 war victims are critically needed.

60. As of the end of February 1995, almost 19,000 demobilized former combatants of the Armed Forces had received compensation payments (equivalent to 12-months' salary). Reintegration programmes for the former agents of the National Police have been more integrated and better coordinated than similar programmes for the Armed Forces. This was partly because of more experienced executing agencies but principally because the higher educational levels of beneficiaries permitted more informed vocational choices and allowed them to benefit more from existing programmes. A total of 4,364 former agents have received counselling. Ninety per cent opted for vocational training and scholarships, while the remaining 10 per cent preferred agricultural training. Complementary programmes to stabilize and/or refinance the existing projects of beneficiaries and further technical assistance are clearly needed to guarantee the effective reintegration of former combatants. ONUSAL and UNDP are cooperating closely to this end.

C. Forum for Economic and Social Consultation

61. The Forum for Economic and Social Consultation focused essentially on labour rights issues during its 14 months of existence (see S/1994/561, paras. 88-91). The approval of 14 International Labour Organization conventions and the reform of the labour code were among its main achievements. As I have informed the Security Council (see S/26790, para. 60), Forum sessions were interrupted in December 1993 when the business sector declared that it would discontinue work during the March 1994 electoral campaign. They have not been resumed.

62. On 21 April 1994, the reforms to the labour code entered into force, including the creation of the High Labour Council (Consejo Superior del Trabajo). Since that time, the business sector has argued that the Council as a legal and permanent institution replaces the Forum, an interim entity created by the peace accords. Several unions continue to insist on the reinstallation of the Forum and FMLN included it among pending accords in the 19 May 1994 Timetable. In December 1994, the internal regulations of the High Labour Council were published and the Council was inaugurated on 6 March 1995, nearly nine months after its creation. The representation of the business sector is unchanged from that in the Forum and unions on both sides of the debate regarding reinstallation of the Forum are representing the labour sector. The exclusion of certain Government ministries formerly represented in the Forum suggests, however, that the Council's agenda is likely to be significantly narrower than that of the Forum.

VII. FINANCIAL ASPECTS

63. The Security Council, by its resolution 961 (1994), decided, inter alia, to extend the mandate of ONUSAL for one final period from 1 December 1994 to 30 April 1995. Commitment authorization has been provided in the amount of $1 million per month for the period from 1 December 1994 to 31 March 1995. Requirements for the period ending 30 April 1995 will be presented to the General Assembly.

64. As at 17 March 1995, unpaid assessed contributions to the ONUSAL special account since the inception of the Mission (including the United Nations Observer Group for Central America (ONUCA)) amounted to $23,649,501. In order to provide ONUSAL with the necessary cash-flow, a total of $10.5 million was borrowed from other peace-keeping accounts. These loans remain unpaid. The total outstanding assessed contributions for all peace-keeping operations on 17 March 1995 were $1,678.7 million.

VIII. ADMINISTRATIVE ASPECTS

65. As regards the disposition of United Nations assets held by ONUSAL, the transfer of vehicles, equipment, furniture and supplies to other Missions and United Nations organizations commenced in June 1994. By February 1995, nearly all assets not directly required by the smaller team remaining during the current mandate period had been disposed of by transfer or commercial sale. Complete listings of both expendable and non-expendable items that will be retained until the end of the mandate have been prepared and will form the basis of decisions on further transfers, particularly to operations such as the United Nations Mission in Haiti (UNMIH) and the United Nations Human Rights Verification Mission in Guatemala (MINUGUA), and as start-up kits for storage at Brindisi, Italy.

66. The process of liquidating ONUSAL's assets is being guided by the principles and policies described in the Financial Rules and Regulations of the United Nations and in administrative instructions which, in order of priority, provide that (a) equipment that conforms to established standards or is

compatible with existing equipment should be redeployed to other United Nations operations or placed in reserve for use by future missions; (b) other equipment should be offered to other United Nations organizations in the country, for transfer to them at depreciated values; (c) other items should be disposed of commercially within the country, in accordance with standard United Nations procedures; and (d) any remaining assets (of small unit value and usually in poor condition) can be donated to local organizations.

67. The official closure of ONUSAL will take place at the end of April 1995, but it will be necessary to retain in El Salvador a small team of United Nations civilian personnel to deal with outstanding claims, invoices, boards of inquiry, etc., and to handle the final disposal of property and equipment. This team, which will be distinct from the small team referred to in my letter of 6 February 1995 to the President of the Security Council (S/1995/143), will be expected to complete its work as quickly as possible, and in any case not later than the end of July 1995. Thereafter, I will be in a position to present to the competent United Nations bodies a final report on the liquidation of ONUSAL's assets.

IX. OBSERVATIONS

68. At the present time, preparations to dismantle ONUSAL are well under way. The United Nations will shortly be closing down a paradigmatic, multifunctional peace-keeping operation 45 months after the opening of the pioneering human rights-monitoring mission that was its initial stage and 39 months after the formal cease-fire that accompanied full deployment. There is much reason for satisfaction at what has been accomplished by the Salvadorians during this time. ONUSAL can take credit for having helped the Salvadorians to take giant strides away from a violent and closed society towards a democratic order where institutions for the protection of human rights and free discourse are being consolidated. However, a number of commitments remain still to be fulfilled before the Salvadorian peace process can be pronounced a success. Unfortunately, these commitments pertain to aspects of the peace accords which are of such importance that they will call into question the irreversibility of the peace process as a whole as long as they are unfulfilled. Indeed, some of them are potentially explosive and need to be defused urgently.

69. The United Nations undertook to verify the implementation of all agreements reached by the Government of El Salvador and the FMLN signatories of the peace agreement signed at Chapultepec Castle in Mexico City on 16 January 1992 (S/23501, annex). As has been pointed out in the body of this report, a number of the solemn commitments undertaken at Chapultepec remain to be honoured. On this basis, a strong case could have been made for maintaining ONUSAL after 30 April 1995, the date of final expiry of its mandate. A recommendation to that effect was given serious consideration but I refrained from making it in the light of the clear indications from members of the Council that the time had come to bring ONUSAL to a close.

70. It was against this background that I informed the Council on 6 February 1995 that, following the withdrawal of ONUSAL, I proposed to leave behind a small team that would conduct the remaining verification and

good-offices responsibilities of the United Nations. I am grateful for the Security Council's favourable response to my proposal. The need to put this mechanism in place and to make sure that it is able to carry out its difficult task, albeit with extremely reduced means, is critical to the consolidation of peace in El Salvador. When I put my intention to the Council, assurances were being given that substantial progress would take place before 30 April 1995. The modest proposal that I made for the size of the post-ONUSAL team was predicated on this premise, which regrettably has not materialized. Subsequent delays and new difficulties may warrant a somewhat larger team.

71. The last year has seen changes within both parties to the peace accords. These changes do not affect the binding nature of the original accords. President Calderón Sol attained his office through elections whose legitimacy was enhanced by the reforms that followed the peace accords and the participation of the United Nations. His Government, therefore, bears a direct and heavy responsibility, which the President has fully accepted, to ensure that all undertakings arising from the accords are fulfilled with the least possible delay.

72. Although the FMLN participated in the 1994 elections as a single political party, soon afterwards two of its five constituent groups - the Expresión Renovadora del Pueblo and the Resistencia Nacional - separated themselves from the other three - the Fuerzas Populares de Liberación, the Partido Comunista and the Partido Revolucionario de Trabajadores Centro-Americanos - in order to establish distinct political parties. As an entity, however, FMLN retains its status as one of the signatories of the peace accords. During the peace talks with the Government, the FMLN's five groups formed a joint negotiating organization. The peace accords were signed on behalf of FMLN by representatives of these five groups. These groups continue to constitute the Government's counterpart in negotiations concerning the implementation of the peace accords.

73. The process of peaceful transition to a more democratic society has not gone unchallenged. There has been a manipulation of social demands; a campaign to discredit new State institutions, particularly the National Civil Police; a rise in common crime typical of post-war situations; and isolated but persistent calls for a growing military role which could undermine the credibility and authority of the National Civil Police and the political system as a whole.

74. The incident in late January, in which members of an organization of former soldiers were promised a package of benefits following their forcible takeover of the Legislative Assembly, underscored anew the need to comply speedily with commitments undertaken. If this is done, the Government will be better able to respond firmly to cyclical outbursts of violence in pursuit of further benefits.

75. Although the parties to the peace accords have been engaged, since the beginning of implementation, in a constant dialogue aimed at reaching agreement on ways to ensure compliance with their commitments, opposition from important pressure groups and continuing institutional fragility have forestalled decisive Government action in some particularly important areas, such as accession to international human rights instruments and, to a significant extent, the land-transfer programme and pending electoral reform. It is of utmost

importance that for the time remaining before the departure of ONUSAL, priority be assigned to implementation of the accords, beginning with those depending only on a decision by the Executive. It is for the Executive to ensure that its political decisions are duly implemented by those responsible.

76. Thus, at the close of the Mission, various important obligations are pending. The strengthening of the National Civil Police, and particularly of its investigative capacity and internal disciplinary mechanisms, is essential to provide protection from crime and to punish it in an effective manner, while at the same time ensuring that public security falls within civilian competence, as provided in the agreements. The continued purification and modernization of the judiciary is crucial to the protection of the rule of law and the eradication of impunity. The still pending adoption and ratification of international human rights instruments, as recommended by the Commission on the Truth, would extend the benefits of protection mechanisms in the event of possible future abuses. Efforts to ensure that the pending reforms of electoral legislation are approved well before the end of September 1995 will be needed if they are to be in place before the next elections.

77. The land programme continues to be a source of serious concern. More than half of the potential beneficiaries have not yet received title to their land. Most worrying, problems in the provision of agricultural credit could prevent a large number of them from planting in May. A special effort to overcome the roadblocks in the programme and to ensure that all those entitled to credit receive it in time is needed.

78. It is equally important that the parties reach agreement on modalities for the transfer of human settlements and that they move forward without delay in this regard. I urge the parties to find a solution to this politically explosive problem before ONUSAL leaves the country, since the small team that will remain in place will be much less able to contribute to this complex exercise.

79. The inability of the Fund for the Protection of the Wounded and War-Disabled to function because of lack of funds and administrative incapacity remains a potential source of unrest. Assisting the large numbers of war-disabled and war victims is a pressing humanitarian need which remains largely unattended three years after the conflict came to an end. An ominous development is the announcement by the war-disabled that because of their dissatisfaction with FMLN's lack of success, they now insist on dealing with the Government on their own or resorting to other means to obtain satisfaction.

80. It is not surprising, against this background, that pressures from FMLN for implementation have mounted in this phase of the process. Plans for street demonstrations, announced by the FMLN leadership, have been termed a threat and even "blackmail", despite assurances that they will be peaceful in nature. FMLN has been in contact with the authorities as well as ONUSAL to forewarn them of planned demonstrations, a right protected by the Constitution, so as to avoid untoward incidents. Grass-roots-level frustration as manifested by resort to demonstrations should be taken as a warning of the dangers of further delay in implementing agreements.

81. Under the peace accords, the role of COPAZ and its subcommissions is to supervise the implementation of the peace accords. COPAZ is composed mainly of representatives of the parties. While it had planned to conclude its work on 30 April 1995, the target established in the Timetable of 19 May 1994 for the completion of implementation, it is now considering ways to extend its functions on pending aspects, in conformity with the New York Agreement of September 1991 by which it was established and according to which it would remain in existence until all agreements are fully implemented. COPAZ, as the national institution for verifying implementation of the peace accords, should remain in existence as long as such implementation is pending.

82. The mechanism I propose to set up upon the withdrawal of ONUSAL will consist of a small team of professionals, with support staff, to verify compliance with pending aspects of the peace accords and provide good offices. The team will report to me and I will keep the Council informed as necessary. Building on the close cooperation established between ONUSAL and UNDP, I intend to ensure continued cooperation between UNDP and the follow-up mission in order to ensure an integrated approach in the post-conflict peace-building phase.

83. As will have been seen from the above, the areas that require verification are the completion of agreements regarding land transfer and other reintegration programmes, the approval of legislative measures recommended by the Commission on the Truth and the strengthening of the National Civil Police, the National Counsel for the Defence of Human Rights, the judiciary and the electoral system.

84. The withdrawal of ONUSAL marks the end of a presence which has provided strong support for peace and democratization in El Salvador. We are now entering a period during which Salvadorian institutions, strengthened and reformed pursuant to the peace accords, will have to assume their responsibilities in full. It is to be hoped that the legislative action required to consolidate these institutions will be rapidly taken and acted upon. The United Nations stands ready to lend assistance in this regard.

85. It has been clear for some time now that implementation of all pending agreements cannot be completed before the expiry of ONUSAL's mandate on 30 April. It is possible, however, to identify a number of those pending agreements which can be completed or on which important progress towards completion can be set in train. If obligations entailing processes are well on their way to full compliance and have acquired a sustained pace of execution by 30 April, I am confident that the small team that will remain in El Salvador beyond that date will be able to perform its verification mandate effectively.

86. In conclusion, I would like to pay a well-deserved tribute to my Special Representative in El Salvador, Mr. Enrique ter Horst, to his predecessors in that position, and to the men and women of ONUSAL, both military and civilian, for their energy and skill in establishing this pioneering, multifaceted operation of the United Nations and for the contribution they have made to the restoration of peace and stability in El Salvador.

Annex I

Contributions of military observers by Member States

Quarter ending	Argentina	Brazil	Canada	Columbia	Ecuador	India	Ireland	Spain	Sweden	Venezuela	Total
December 1991	0	3	1	0	3	0	0	5	0	3	15
March 1992	8	43	17	8	42	7	4	124	4	38	295
June 1992	8	47	11	8	32	7	4	125	4	40	286
September 1992	8	47	11	8	3	5	2	121	4	37	246
December 1992	7	45	10	6	3	2	2	119	3	29	226
March 1993	7	18	5	5	8	0	2	36	3	17	101
June 1993	7	3	2	5	8	2	2	11	2	4	46
September 1993	7	4	2	2	5	2	2	8	2	4	38
December 1993	4	4	2	2	5	2	2	8	2	3	34
March 1994	4	4	2	2	0	2	2	11	2	3	32
June 1994	4	4	2	2	0	0	0	6	1	2	21
September 1994	2	3	0	2	0	0	0	4	1	3	15
December 1994	0	1	0	0	0	0	0	1	0	1	3
March 1995	0	1	0	0	0	0	0	1	0	1	3

Annex II

Contributions of police observers by Member States

Quarter ending	Austria	Brazil	Colombia	Chile	Spain	France	Guyana	Italy	Mexico	Norway	Sweden	Total
December 1991	0	0	0	0	8	9	0	10	0	0	0	27
March 1992	3	0	0	0	116	30	0	9	113	3	5	279
June 1992	3	0	0	25	115	30	10	9	113	3	5	313
September 1992	3	0	0	26	114	27	10	9	111	3	5	308
December 1992	3	0	0	25	109	28	10	10	109	3	2	299
March 1993	3	0	0	25	108	17	10	10	108	3	2	286
June 1993	3	15	14	28	105	22	10	10	107	0	0	314
September 1993	3	15	34	28	106	22	8	12	97	0	2	327
December 1993	3	15	33	28	105	22	8	10	49	0	2	275
March 1994	3	14	33	28	102	21	8	10	49	0	2	270
June 1994	2	10	28	23	82	1	6	9	39	0	1	201
September 1994	2	2	21	15	64	1	4	8	29	0	1	147
December 1994	0	1	2	5	16	0	1	3	4	0	0	32
March 1995	0	1	2	5	16	0	1	3	4	0	0	32